

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LANTHEUS MEDICAL IMAGING, INC., :  
: Plaintiff, : No. 1:10-cv-09371 (LTS) (JLC)  
: vs. : ECF CASE  
: ZURICH AMERICAN INSURANCE COMPANY, :  
: Defendant. :  
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**DECLARATION OF DANIEL M. KRAININ IN SUPPORT OF AECL'S RESPONSE  
TO PLAINTIFF'S MOTION FOR ISSUANCE OF AMENDED LETTERS ROGATORY**

I, Daniel M. Krainin, an attorney duly admitted to practice law in the State of New York and in this Court, hereby declare as follows:

1. I am a principal with the law firm of Beveridge & Diamond, P.C., counsel for amicus curiae Atomic Energy of Canada Limited (“AECL”). I submit this Declaration in support of AECL’s Memorandum of Law in Response to Plaintiff’s Motion for Issuance of Amended Letters Rogatory.
2. Attached hereto as Exhibit A is a true and correct copy of the Answer and Counterclaims of AECL Technologies, Inc. and Atomic Energy of Canada Limited, *E-BEAM Services, Inc. v. AECL Technologies, Inc.*, No. 02-2256 (D.N.J. Sept. 19, 2002).
3. Attached hereto as Exhibit B is a true and correct copy of the Amended Complaint for Declaratory and Injunctive Relief and for Damages (With Jury Demand), *E-BEAM Services, Inc. v. AECL Technologies, Inc.*, No. 02-2256 (D.N.J. Aug. 21, 2002).
4. Attached hereto as Exhibit C is a true and correct copy of a letter from Andrew E. Toback (Milbank, Tweed, Hadley & McCloy LLP) to the Honorable Patti Shwartz (U.S. District Court

for the District of New Jersey), dated May 13, 2003.

5. Attached hereto as Exhibit D is a true and correct copy of the Affidavit of Jean-Pierre Labrie (sworn July 15, 2011), submitted in *Lantheus Medical Imaging Inc. v. Atomic Energy of Canada Limited* (Ontario Superior Court of Justice).

6. Attached hereto as Exhibit E is a true and correct copy of a letter from Brett Harrison (McMillan LLP) to Jean Boulais (AECL), dated August 30, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

New York, New York  
Executed on September 16, 2011



The image shows a handwritten signature in black ink, which appears to be "Daniel M. Krainin". Below the signature, the name "Daniel M. Krainin" is printed in a smaller, standard font.